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C O N F I D E N T I A L STATE 185923

FOR DEPUTY ASSISTANT BARRY

FOLLOWING TELEGRAM FROM USUN NEW YORK DATED JULY 7, 1978
SENT SECSTATE WASHDC INFO BONN, LONDON, MOSCOW, OTTAWA,
PARIS, STOCKHOLM, TOKYO, GENEVA IS REPEATED TO YOU: QUOTE

C O N F I D E N T I A L USUN NEW YORK 02829

E.O. 11652: GDS
TAGS: TSPA, UNGA
SUBJECT: OUTER SPACE COMMITTEE: SUMMARY AND ASSESSMENT

1. WITH SEVERAL EXCEPTIONS, THE MEETING OF THE OUTER
SPACE COMMITTEE (OSC) HELD FROM JUNE 26 TO JULY 7, 1978
WAS RELATIVELY UNEVENTFUL. ISSUES WHICH WERE THE
SUBJECT OF EXTENDED DEBATE IN EITHER THE LEGAL SUB-
COMMITTEE (LSC) OR THE SCIENTIFIC AND TECHNICAL
SUBCOMMITTEE (STSC) WERE GIVEN ONLY CURSORY ATTENTION
OVER THE PAST TWO WEEKS. THE REASONS WERE SEVERAL.
THE FIRST WEEK OF THE OSC MEETING OVERLAPPED WITH THE
FINAL HECTIC WEEK OF THE SPECIAL SESSION ON DISARMAMENT.
MANY SMALL DELEGATIONS COULD NOT MAN BOTH AN SSOD AND
OSC DELEGATION. MOREOVER, MOST DELEGATIONS SAW LITTLE
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PROSPECT OF SERIOUS PROGRESS AT THIS MEETING IN AREAS
SUCH AS THE MOON TREATY, DIRECT BROADCAST SATELLITES
AND REMOTE SENSING.

2. THIS WAS NOT TRUE, HOWEVER, ON THE QUESTIONS OF
NUCLEAR POWER SOURCES, GEOSTATIONARY ORBIT, THE DEFINITION
OF OUTER SPACE AND A UN CONFERENCE ON OUTER SPACE. ON
NUCLEAR POWER SOURCES, THE SOVIET DELEGATION ARRIVED
WELL PREPARED WITH A POSITION WHICH WAS SUFFICIENTLY
FORTHCOMING TO MEET THE MINIMUM OBJECTIVES OF KEY

DELEGATIONS SUCH AS CANADA, SWEDEN AND JAPAN. THE SOVIETS THUS COMMITTED THEMSELVES TO A STUDY UNDER THE STSC WHICH WILL INVOLVE A SERIOUS REVIEW OF SAFETY QUESTIONS. THEY ALSO AGREED TO GIVE NOTICE PRIOR TO REENTRY OF A MALFUNCTIONING NUCLEAR POWER SOURCE SATELLITE. THE SOVIETS, HOWEVER, CAREFULLY AVOIDED COMMITTING THEMSELVES BEYOND THESE TWO POINTS.

3. THIRD WORLD PARTICIPANTS IN THE OSC MADE THE GSO, THE DEFINITION OF OUTER SPACE AND THE UN CONFERENCE PARTICULAR OBJECTS OF ATTENTION. ECUADOR AND COLOMBIA IN PARTICULAR, WITH SOME ASSIST FROM KENYA AND NIGERIA, SOUGHT TO PLACE THE QUESTION OF GSO'S WITHIN THE IDEOLOGICAL FRAMEWORK OF THE NEW INTERNATIONAL ECONOMIC ORDER. THEY SUGGESTED THAT THE AREA OF GSO WAS A LIMITED NATURAL RESOURCE WHICH THE MAJOR SPACE POWERS SHOULD NOT BE ALLOWED TO DOMINATE BUT WHICH SHOULD BE EMPLOYED IN A FASHION WHICH WOULD BENEFIT THE DEVELOPING WORLD MORE GENERALLY. WITH LESS SKILL, NIGERIA SOUGHT TO DO THE SAME WITH THE DEFINITION OF OUTER SPACE. THE UN CONFERENCE IS SEEN BY MANY OF THE OSC'S THIRD WORLD MEMBERS AS A FORUM WHERE THEY CAN MAKE PROGRESS TOWARD DERIVING BENEFITS FROM SPACE TECHNOLOGY AND CONFIDENTIAL

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APPLICATIONS. HOWEVER, SOME OF THEM HAVE IN MIND USING IT TO PRESS FOR POLITICAL OBJECTIVES, SUCH AS ON THE GSO AND PERHAPS OTHER ISSUES WHICH REMAIN UNRESOLVED IN THE OSC.

4. WE BELIEVE THAT ALL US OBJECTIVES WERE MET AT THIS CONFERENCE. HOWEVER, IT IS APPARENT THAT CAREFUL PLANNING AND PERHAPS MODIFICATIONS IN US POLICY WILL BE REQUIRED TO SUSTAIN OUR POSITION IN THE OSC IN THE YEARS AHEAD. TO THAT SAME PURPOSE, WE SHOULD ALSO MAINTAIN A REGULAR PATTERN OF CONSULTATIONS WITH THE SOVIETS (WHO INFOTMALLY SUGGESTED BILATERALS PRIOR TO STSC IN FEBRUARY), AND WITH OUR FRIENDS ON THE OSC.

5. THERE FOLLOWS A SUMMARY DISCUSSION ON THE ACTION IN THE OSC ON EACH OF THE SIGNIFICANT AGENDA ITEMS:

A. NUCLEAR POWER SOURCES: THE CONSENSUS FINALLY ACHIEVED ON NUCLEAR POWER SOURCES WAS LARGELY THE RESULT OF CORRIDOR WORK INVOLVING THE SOVIETS AND CANADA, THE LATTER SPEAKING FOR A LARGER GROUP OF 20 WHICH INCLUDED SWEDEN, JUPAN AND GERMANY. THE COMPROMISE INVOLVED A CAREFUL BALANCE BETWEEN A SOVIET COMMITMENT TO ENGAGE IN A SERIOUS STUDY OF THE TECHNICAL AND SAFETY ASPECTS OF NUCLEAR POWER SOURCES AND TO GIVE ADVANCE NOTICE OF REENTRY AND FOREBEARANCE ON THE PART OF CANADA AND OTHERS IN PRESSING FOR EARLY ACTION TO DEVELOP A LEGAL REGIME

ON NUCLEAR POWER SOURCES. IT IS IMPORTANT TO NOTE THAT THE SOVIETS DID NOT COMMIT THEMSELVES TO GO BEYOND A STUDY NOR DID OTHER DELEGATIONS, INCLUDING THE US, BACK OFF FROM THEIR POSITION OF AIMING FOR EVENTUAL SAFETY STANDARDS TO APPLY TO THE USE OF NUCLEAR POWER SOURCES.

ADOPTED.

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-- SOVIET DEL HINTED INFORMALLY AT DESIRE TO HOST CONFERENCE IN MOSCOW AND SUGGESTED LINKAGE BETWEEN SITE AND CHOICE OF SCIENTIFIC CHAIRMAN--THEY MIGHT ACCEPT US SCIENTIFIC CHAIRMAN IF SITE IS MOSCOW, BUT IF NOT, MIGHT PREFER THAT THIS POSITION GO TO REPRESENTATIVE OF SECRETARIAT.

-- REPORT RECOMMENDS TITLE OF "UNITED NATIONS CONFERENCE ON THE EXPLORATION AND PEACEFUL USES OF OUTER SPACE," BUT LDC'S, ESPECIALLY EGYPT, PREFERRED TO OMIT REFERENCE TO EXPLORATION.

-- MANY DELS, ESPECIALLY FRANCE, WERE SENSITIVE TO QUESTION OF FINANCIAL ARRANGEMENTS FOR CONFERENCE, BUT HAD NO SUGGESTIONS ON HOW TO PROCEED.

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A. NUCLEAR POWER SOURCES: THE CONSENSUS FINALLY ACHIEVED ON NUCLEAR POWER SOURCES WAS LARGELY THE RESULT OF CORRIDOR WORK INVOLVING THE SOVIETS AND CANADA, THE LATTER SPEAKING FOR A LARGER GROUP OF 20 WHICH INCLUDED SWEDEN, JAPAN AND GERMANY. THE COMPROMISE INVOLVED A CAREFUL BALANCE BETWEEN A SOVIET COMMITMENT TO ENGAGE IN A SERIOUS STUDY OF THE TECHNICAL AND SAFETY ASPECTS OF NUCLEAR POWER SOURCES AND TO GIVE ADVANCE NOTICE OF REENTRY AND FOREBEARANCE ON THE PART OF CANADA AND OTHERS IN PRESSING FOR EARLY ACTION TO DEVELOP A LEGAL REGIME ON NUCLEAR POWER SOURCES. IT IS IMPORTANT TO NOTE THAT THE SOVIETS DID NOT COMMIT THEMSELVES TO GO BEYOND A STUDY NOR DID OTHER DELEGATIONS, INCLUDING THE US, BACK OFF FROM THEIR POSITION OF AIMING FOR EVENTUAL SAFETY STANDARDS TO APPLY TO THE USE OF NUCLEAR POWER SOURCES.

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OUR ROLE IN PRIVATE AND PUBLIC DISCUSSIONS WAS STRONGLY SUPPORTIVE OF THE CANADIAN EFFORT. BASED UPON OUR OWN TALKS WITH THE SOVIETS, WE COUNSELED THE CANADIANS TO PRESS HARD (AND, AS IT TURNED OUT, SUCCESSFULLY) FOR A

PARAGRAPH, FOR INCLUSION IN A GENERAL ASSEMBLY RESOLUTION, CALLING FOR ADVANCE NOTIFICATION IN THE EVENT OF MALFUNCTIONING AND REENTRY. WE ALSO URGED THE SOVIETS, WHEN THE STSC MEETS IN FEBRUARY 1979, TO AVOID ANY CHALLENGE TO THEIR CREDIBILITY AND GOOD FAITH BY ALLOWING THE WORKING GROUP ON SAFETY STANDARDS TO BE ESTABLISHED PROMPTLY AND TO EXPLORE ISSUES THOROUGHLY. THE SOVIETS TOLD US THAT THEY WILL SEND "TWO OR THREE EXPERTS", AND THAT THEY WOULD LOOK FORWARD TO CONVOKING THE WORKING GROUP PROMPTLY WHEN THE STSC MEETS.

WE ALSO SUPPORTED EFFORTS TO PUT THE QUESTION OF NUCLEAR POWER SOURCES BEFORE BOTH SUBCOMMITTEES BUT TO LIMIT THE DISCUSSION OF LEGAL MATTERS TO EVALUATING THE EXISTING LEGAL REGIME AND DETERMINING ITS COVERAGE FOR AN INCIDENT SUCH AS COSMOS 954. BECAUSE OF SOVIET RESISTANCE, THE COMPROMISE REACHED WAS AN ITEM ENTITLED "OTHER MATTERS" FOR AGENDA OF LSC UNDER WHICH IT IS UNDERSTOOD THAT NUCLEAR POWER SOURCES CAN BE RAISED NEXT APRIL.

IN ADDITION, THE USDEL ON SEVERAL OCCASIONS STATED THE IMPORTANCE OF MAINTAINING DISTINCTION BETWEEN NUCLEAR REACTOR AND RADIO ISOTOPE SYSTEMS, NOTING THAT THEIR SAFETY STANDARDS ARE SUBSTANTIALLY DIFFERENT. EXCEPT FOR THE UK, OTHER DELEGATIONS FAILED TO MAKE THIS DISTINCTION. WE ALSO RECALLED TO THE OSC THE US WORKING PAPER ON THE SUBJECT SUBMITTED EARLY THIS YEAR TO THE STSC.

B. UN CONFERENCE ON EXPLORATION AND PEACEFUL USES OF OUTER SPACE: LIVELY INTEREST WAS SHOWN IN QUESTIONS RELATING TO CONVENING OF SECOND UN CONFERENCE ON OUTER SPACE. INFORMAL WORKING GROUP CHAIRED BY GREET
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(AUSTRALIA) REQUIRED SEVERAL HOURS OF DISCUSSION TO FORMULATE RELEVANT PORTION OF REPORT, WHICH WAS THEN ACCEPTED BY COMMITTEE. REPORT RECOMMENDS TO UNGA:

(1) THAT IT DECIDE THAT A SECOND UN CONFERENCE ON EXPLORATION AND PEACEFUL USES OF OUTER SPACE BE CONVENED;

(2) THAT THE OSC BE THE PREPARATORY COMMITTEE WITH THE STSC DESIGNATED AS ITS ADVISORY COMMITTEE;

FOR STSC IN PREPARATIONS. SOVIET DEL JOINED US ON THIS POINT, BUT BELIEVES THAT STSC MAY NOT BE COMPETENT TO ADDRESS ALL ASPECTS OF PREPARATIONS. SOVIETS SEEM TO HAVE IN MIND ALLOWING PAPERS TO BE PRESENTED AT CONFERENCE ON LEGAL ISSUES, MUCH AS AT THE FIRST OUTER SPACE CONFERENCE. SOVIETS INSISTED TO US PRIVATELY, HOWEVER, THAT THEY WILL STRONGLY OPPOSE A "DIPLOMATIC"

CONFERENCE, I.E., ONE AT WHICH RESOLUTIONS ARE ADOPTED.

-- SOVIET DEL HINTED INFORMALLY AT DESIRE TO HOST CONFERENCE IN MOSCOW AND SUGGESTED LINKAGE BETWEEN SITE AND CHOICE OF SCIENTIFIC CHAIRMAN--THEY MIGHT ACCEPT US SCIENTIFIC CHAIRMAN IF SITE IS MOSCOW, BUT IF NOT, MIGHT PREFER THAT THIS POSITION GO TO REPRESENTATIVE OF SECRETARIAT.

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-- MANY DELS, ESPECIALLY FRANCE, WERE SENSITIVE TO QUESTION OF FINANCIAL ARRANGEMENTS FOR CONFERENCE, BUT HAD NO SUGGESTIONS ON HOW TO PROCEED.

C. DEFINITION OF OUTER SPACE: THE DEFINITION ISSUE FOUND ITSELF ENMESHED IN THE PROPOSAL THAT THE UN CONFERENCE ON OUTER SPACE CONSIDER NOT ONLY SCIENTIFIC AND TECHNICAL ISSUES BUT LEGAL AND POLITICAL ONES AS WELL. ECUADOR, IN PARTICULAR, INSISTED THAT THE DEFINITION ISSUE BE INCLUDED IN THE AGENDA OF THE CONFERENCE. THE SOVIETS PROPOSED THAT OUTER SPACE WOULD BEGIN AT ABOUT 100-110 KMS BUT THAT SPACE OBJECTS WOULD BE PERMITTED TO FLY OVER TERRITORY OF OTHER STATES AT LOWER ALTITUDES FOR ASCENT INTO ORBIT AND FOR RETURN TO EARTH. SOVIETS STATED THAT 100-110 KMS WOULD NOT AUTOMATICALLY SERVE AS UPPER BOUNDARY OF AIR SPACE BUT THAT FURTHER NEGOTIATION WOULD BE NEEDED ON STATUS OF LOWER ALTITUDES. WE ARGUED THAT DEFINITION WOULD NOT SOLVE ANY PARTICULAR PROBLEM, BUT OTHER THAN THE US, UK AND JAPAN, NO DELEGATION ACTIVE IN OUTER SPACE COMMITTEE MATTERS TOOK STRONG POSITION AGAINST DEFINITION. BELGIUM, IN FACT, INDICATED THAT TIME IS APPROACHING WHEN IT WILL BE NECESSARY TO DRAW A DISTINCTION BETWEEN THE AREA WHICH COMES UNDER THE PURVIEW OF NATIONAL SOVEREIGNTY AND THE AREA WHICH COMES UNDER THE PURVIEW OF SPACE LAW. IT WOULD NOT BE SURPRISING TO USDEL IF SUBSTANTIAL INTEREST DEVELOPED IN MAKING DEFINITION ISSUE AN AGENDA ITEM OF THE OUTER SPACE CONFERENCE AND A PRIORITY ITEM FOR THE OSC.

D. GEOSTATIONARY ORBIT: DEBATE EXPOSED THE USUAL POTPOURRI OF VIEWS WITH COLOMBIA AND ECUADOR LEADING STRONG ADVOCATES OF INDIVIDUAL STATE SOVEREIGNTY OVER "NATURAL RESOURCE" GSO. WHILE, ON THE WHOLE, NO

NEW TECHNICAL OR LEGAL ARGUMENTS WERE ADVANCED TO
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SUPPORT CLAIMS OF EQUATORIAL STATES, IT WAS CLEAR THAT
US TECHNICAL AND LEGAL ARGUMENTS AGAINST STATE
SOVEREIGNTY HAVE NOT CHANGED VIEWS OF STATES WITH
STRONG NATIONAL POSITIONS. IN ADDITION, THESE SAME
STATES--IN A BID FOR BROADER SUPPORT--SOUGHT TO PUT
THEIR CLAIMS IN THE BROADER FRAMEWORK OF THE THIRD
WORLD'S ADVOCACY OF A NEW INTERNATIONAL ECONOMIC ORDER.

SESSION THIS YEAR SHOWED SOMEWHAT MORE INTEREST THAN
PREVIOUSLY. SOME STATES (CANADA, NETHERLANDS, SWEDEN,
TURKEY, FRANCE, PAKISTAN) WHO COULD WELL HAVE
ENUNCIATED MORE INFORMED AND PRACTICAL VIEWS ON THE
LEGAL AND TECHNICAL ISSUES INVOLVED WERE SILENT
WHILE OTHERS GAVE ONLY CURSORY SUPPORT TO THE ARGUMENTS
AGAINST SOVEREIGNTY OVER THE GSO. USDEL BELIEVES THAT
MOVEMENT TOWARD AN EVENTUAL LEGAL REGIME FOR GSO IS
GAINING SUPPORT AND THAT WE ARE LIKELY TO FACE CONTINUED
DEVELOPMENT OF THIS AS A MAJOR ISSUE. SOVIETS, OF
COURSE, HAVE NOT ALTERED THEIR POSITION AND SUGGESTED
THAT IT SHOULD BE REMOVED AS AN AGENDA ITEM OF THE STSC
UNTIL NEW INFORMATION IS DEVELOPED. SOVIETS NO DOUBT
FEEL THAT AGREEMENT ON THEIR PROPOSAL FOR DEFINITION
OF OUTER SPACE WILL REMOVE SOVEREIGNTY CLAIM OVER GSO
AS A VIABLE ISSUE IN THE FUTURE AND ASSUME THAT THE
GSO WOULD BE AN INSEPARABLE PART OF OUTER SPACE
IN OSC REPORT. MOST MEMBERS STRESSED THAT REMOTE
SENSING SHOULD BE CARRIED OUT WITH FULL RESPECT FOR
THE PRINCIPLE OF STATE SOVEREIGNTY, HIGH PRINCIPLE
WOULD REQUIRE THE PRIOR CONSENT BY A SENSED STATE
BEFORE REMOTELY SENSED DATA OR INFORMATION RELATING
TO THE SENSED STATE COULD BE DISSEMINATED TO THIRD
PARTIES. CONCEPT OF UN PANEL OF EXPERTS TO CONSIDER
ISSUES RELATING TO REMOTE SENSING RECEIVED GENERAL
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SUPPORT. CANADIANS, MORE CLEARLY THAN BEFORE,
DIFFERENTIATED THEIR POSITION FROM THAT OF US BY
SUPPORTING A REGIME OF OPEN DISSEMINATION OF PRIMARY
DATA SUBJECT TO CONDITION THAT DATA NOT BE USED TO
DETIMENT OF SENSED STATE OR IN MANNER INCONSISTENT
WITH SOVEREIGNTY OF SENSED STATE. USDEL BELIEVES THAT
THIS ISSUE WILL BE ONE WHICH WILL RECEIVE CONSIDERABLE
ATTENTION AT NEXT LEGAL SUBCOMMITTEE SESSION AND THAT
DETAILED US POSITION, INCLUDING THE TABLING OF SUCH
FORTHCOMING TEXTS AS CAN BE ADVANCED CONSISTENT WITH
US POSITION, IS ESSENTIAL IF US IS TO MAINTAIN
CREDIBILITY.

F. MOON TREATY: ONLY AUSTRIA PRESSED TO HAVE AUSTRIAN DRAFT TEXT CONSIDERED IN DETAIL. THE ONE SESSION OF INFORMAL WORKING GROUP ON THE SUBJECT REVEALED NO INCLINATION ON BEHALF OF MEMBERS EITHER TO ACCEPT AUSTRIAN TEXT AS IS, OR TO HAVE IT SERVE AS BASIS FOR NEGOTIATIONS AT THIS MEETING OF OSC. WE WERE DISINCLINED TO ENCOURAGE DISCUSSION OF PROPOSED CHANGES IN PART BECAUSE MOST OSC PARTICIPANTS WERE NOT AWARE OF THE AUSTRIAN TEXT'S LEGISLATIVE HISTORY AND THUS THEIR CONTRIBUTIONS MIGHT HAVE LED TO REGRESSION. SOVIETS INFORMED US THAT THEY WERE CAUTIOUS ABOUT AUSTRIAN TEXT BECAUSE OF PROBLEMS WITH "COMMON HERITAGE" LANGUAGE, AND THAT THEY MAY WELL PROPOSE MAJOR REVISIONS IN TEXT WHEN MOON TREATY IS CONSIDERED IN NEXT SESSION OF LEGAL SUBCOMMITTEE. USDEL BELIEVES THAT IT IS NOT CERTAIN THAT NEXT MEETING OF LSC WILL PRODUCE FINAL TEXT, AS NO STATE STRONGLY PUSHING TO COMPLETE ITEM AND NUMEROUS SMALL (AND PERHAPS SOME MAJOR) TEXTUAL CHANGES WILL BE PROPOSED. NEVERTHELESS, US WILL NEED POSITION ON EACH ARTICLE OF TEXT AND PERHAPS ON CIRCULAR 175 APPROVAL, IN EVENT SUBSTANTIAL PROGRESS ACHIEVED AT NEXT LSC SESSION.

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G. DIRECT BROADCAST SATELLITES: APART FROM REFERENCES CONTAINED IN OPENING STATEMENTS, ISSUE WAS TOTALLY IGNORED. COMMITTEE MEMBERS WERE, AT LEAST FOR THIS SESSION, RESIGNED TO FACT THAT DISCUSSION OF DBS POINTLESS SO LONG AS US POSITION REMAINED UNCHANGED. NETHERLANDS, IN FIRST STATEMENT ON DBS SINCE JOINING OSC, GENERALLY SUPPORTED US VIEW, BUT ALSO APPEARED WILLING TO ACCEPT REFERENCE TO RESTRICTIONS ON DBS CONTAINED IN RELEVANT ITU INSTRUMENTS. FRG AND JAPAN ALSO MAINTAINED THEIR SUPPORT. NO DOUBT ISSUE WILL BE HEAVILY ENGAGED AT NEXT LSC, BUT AT LEAST HERE THERE DOES NOT APPEAR TO BE SENSE OF OVERRIDING URGENCY TO RESOLVE ISSUE.

H. COMMITTEE PROCEDURE: THE OSC MAINTAINED ITS PRACTICE OF ACHIEVING DECISION ONLY BY CONSENSUS. HOWEVER, THERE WERE SEVERAL DELEGATIONS SUCH AS NIGERIA, ECUADOR, BRAZIL AND OTHERS, WHO SIGNALLED ON SEVERAL OCCASIONS THAT THEY DID NOT FEEL WEDDED TO THE CONSENSUS RULE. CANADA AND SWEDEN IMPLICITLY CHALLENGED THE CONSENSUS RULE WHEN, IN NEGOTIATING WITH THE SOVIETS ON NUCLEAR POWER SOURCES, THEY THREATENED TO RAISE THE ISSUE IN THE GENERAL ASSEMBLY IF THEY WERE DISSATISFIED WITH THE RESULTS OF THE OSC'S EFFORTS. IT IS APPARENT TO US THAT THE OSC IN THE YEARS AHEAD WILL BE CHALLENGED TO DEMONSTRATE A CONSISTENT ABILITY TO ACCOMMODATE DIFFERING VIEWS ON OUTSTANDING ISSUES

IF THE CONSENSUS RULE IS TO BE MAINTAINED.

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LEONARD UNQUOTE VANCE

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